

TREE ORDINANCE

TULLAHOMA MUNICIPAL CODE

TITLE 20

CHAPTER 5

20-501. General provisions.

20-502. Miscellaneous provisions.

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(1) Purpose. This chapter regulates the tree planting, maintenance, protection, and removal of trees and shrubs on public street right-of-ways, parks, and other city owned property; provides for an advisory tree board; and establishes the individuals or city departments responsible for the administration of this chapter. This chapter also provides for the issuing of permits for the planting, maintenance, protection and removal of trees and shrubs in all city-owned places.

(2) Definitions.

(a) "Density units (DU)." The number value resulting from the tree value factor times the actual measured inches (DBH) of trees times the total number of trees in each respective category of trees.

(b) "Caliper inches (CI)." The quantity in inches of the diameter of supplemental and replacement trees measured at the height of six inches (6") above the ground for trees four inches (4") in trunk diameter and under, and twelve inches (12") above the ground for trees over four inches (4") in trunk diameter. (Caliper inches shall be used in measuring newly planted material.)

(c) "City." The City of Tullahoma, Tennessee.

(d) "Conifer tree." Any tree with needle leaves and a woody cone fruit.

(e) "Deciduous." Those trees that shed their leaves in the fall or winter.

(f) "Diameter at breast height (DBH)." The diameter in inches of a tree measured at four and one-half (4½) feet above the existing grade. (DBH shall be used to measure existing trees to remain.)

(g) "Drip line." A vertical line extending from the outermost portion of the tree canopy to the ground.

(h) "Endangered species." Those trees that are under the protection of state and/or federal law.

(i) "Evergreen." Those trees, including broad-leaf and conifer evergreens, that maintain their leaves year round.

(j) "Heritage tree." A tree of significant age or stature that constitutes a unique asset to the community.

(k) "Overstory." Those trees that compose the top layer or canopy of vegetation.

(l) "Pruning." The removal of living or dead parts of a tree, especially branches, to reduce size, to maintain natural shape, health, and flowering, or to regulate growth.

- (m) "Public tree." A tree located within public right-of-way or public lands owned by or under the jurisdiction of the city.
- (n) "Replacement planting." The planting of trees on a site that before development had more than the minimum standard of trees per acre, but would be less than the minimum after development.
- (o) "Supplemental planting." The planting of trees on a site that prior to development had less than the minimum standard of trees per acre.
- (p) "Topping." The excessive and arbitrary removal of parts of the tree above a certain height, with no regard for the natural structure or growth pattern of the tree.
- (q) "Tree." Any living, self-supporting woody or fibrous plant which is a conifer, evergreen, deciduous or ornamental, as defined herein.
- (r) "Tree protection zone." The area around a tree corresponding to the drip line or ten (10) feet in all directions from the trunk, at the discretion of the parks and recreation department.
- (s) "Tree value factor." The numerical value assigned to each tree category that represents the importance of that category of trees with respect to visual buffering, growth characteristics, native species and aesthetics.
- (t) "Understory." Those trees that grow beneath the overstory.

(3) Administration. The city tree program shall be administered by the parks and recreation department. The department shall be supported in its program by other departments and organizations within the City of Tullahoma. Specific areas of responsibility are assigned as follows:

(a) Parks and recreation department.

(i) Provide overall enforcement of this chapter through the director of parks and recreation, the city forester or such other person designated by the city administrator.

(b) Planning and codes department.

(i) Review site plans in accordance with the provisions of this chapter as part of the review process of the development committee.

(ii) Provide inspection of development sites to ensure compliance with grading and tree protection recommendations.

(c) Tullahoma Tree Board.

(i) Provide community guidance and recommendations concerning public trees and tree programs.

(ii) Recognize groups and individuals that promote, protect, maintain, nurture, plant and use trees in accordance with established and accepted arboricultural standards.

(iii) Coordinate donations of trees or money to purchase, plant and maintain trees on public property.

(iv) Evaluate and recommend to the board of mayor and aldermen unique tree(s) to be designated as a "heritage tree."

(v) Perform other tree-related activities as requested by the board of mayor and aldermen consistent with the intent of this chapter.

(vi) The Tullahoma Tree Board shall be composed of seven members, appointed by the mayor. The members shall serve for a two years term and may be reappointed.

(vii) The chairperson of the tree board shall be elected from the members of the tree board by a vote of the membership and serve for one year.

(d) Public works department.

(i) Provide routine tree debris removal and disposal.

(ii) Provide emergency services related to tree removal.

(iii) Provide assistance to the parks and recreation department and tree board in public tree planting, maintenance and removal.

(4) Specifications. Tree planting shall be a required activity on public areas applicable to this chapter. For the purposes of this chapter, public areas shall be defined as land owned by the City of Tullahoma. A planting program shall be developed by the city for all public areas and conducted in a systematic manner to assure diversity of age classes and species. In addition, the city shall encourage tree planting on private property, not applicable to this chapter. The city shall provide information to city residents as requested.

(a) Species selection. All trees planted on public property shall be of a kind (species) referenced on the city's recommended tree list or approved by the tree board.

(b) Size and grade.

(i) For the purpose of this chapter, trees reaching up to twenty-five (25) feet in height at maturity are designated as small trees. Medium trees will mature at twenty-five to fifty (25 to 50) feet. Large trees will mature at heights greater than fifty (50) feet.

(ii) All trees shall be free of insects, diseases, or mechanical injuries and have straight trunk(s) and form characteristic of the species.

(c) Protection of utilities.

(i) No public trees other than those with a mature height of less than twenty-five (25) feet in height shall be planted within ten (10) feet of any overhead utility wire.

(ii) No public tree shall be planted over or within five (5) lateral feet of any underground water or sewer line, transmission line or other utility, excluding telephone, cable television, and individual service lines. A minimum of at least ten (10) feet is recommended.

(d) Location requirements.

(i) No public tree shall be planted closer than ten (10) feet to a fire hydrant, utility pole or street light. No tree shall be planted within fifteen (15) feet of a driveway/street intersection or within recognized visibility standards and specifications.

(ii) Public trees planted adjacent to sidewalks or curbs should not be planted any closer to either structure than two (2) feet for small trees, three (3) feet for medium trees and four (4) feet for large trees. Any variance from this standard must be approved by the city forester.

(5) Tree maintenance. The city shall take responsibility for those maintenance activities needed to keep public trees reasonably healthy and to minimize the risk of injury to people or property. Tree care may be accomplished by the city personnel or by contract with commercial tree care companies. Tree maintenance may include pruning, fertilization, watering, insect and disease control or other related activities.

(a) No person or city agency shall plant, prune, remove, replace or otherwise disturb any public tree without obtaining written approval and guidance from the city forester or director of parks and recreation.

(b) The practice of tree topping is prohibited on all public trees and is strongly discouraged as a tree care practice for private trees. Trees severely damaged by storms or other causes, or certain trees under wires or other obstructions where other pruning methods are impractical should be considered for removal and replacement before they are considered for topping.

(c) All pruning should be done according to International Society of Arboriculture (ISA) standards as described in the ANSI A300 Tree, Shrub and Other Woody Plant Maintenance.

(d) Tree pruning shall be performed in a manner that protects the public. All trees growing along streets and sidewalks must be pruned free of limbs to a height of eight (8) feet for sidewalks and twelve (12) feet for streets, with no lateral growth permitted onto the sidewalk or street below this height. Tree branches shall not obstruct the view of any street lamp, street sign or stop sign. Likewise, tree or shrub vegetation shall not obstruct any street intersection and shall be pruned such that a driver has a clear line of vision of traffic coming from either direction.

(6) Tree removal.

(a) Dead or mortally damaged public trees that pose a safety or health risk to the public or to other trees shall be removed in a timely manner. The city shall make a risk determination on public trees and will initiate removal as appropriate.

(b) The city shall have the right to cause the removal of any dead, diseased or structurally damaged trees on private property when such trees constitute a potential hazard to life and property within the right-of-way or on public property.

(c) The Tullahoma Tree Board, with assistance from the city forester, the director of parks and recreation or other individuals with sufficient training in hazard tree evaluation, shall evaluate the tree as to the degree of hazard. This evaluation and accompanying recommendation will be acted on in one of the following ways:

(i) An evaluation of "imminent danger" means that the hazard is immediate. The city forester or director of parks and recreation will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within thirty (30) days of the date of notification. If the property owner cannot be contacted or refuses to remove the hazard, the city will initiate action immediately to remove said hazard and charge the property owner for its removal. If the property owner does not pay this charge within thirty (30) days, the city may place a lien on the property.

(ii) An evaluation of "potentially dangerous" means that a hazard will exist in the near future. The property owner will be notified in writing, of the existing problems and several options for abating the hazard.

(d) No healthy or vigorous trees or shrubs may be removed from any street right-of-way, city park, or other city owned property without submitting a written request and obtaining written permission from the city forester or director of parks and recreation.

(e) As a normal procedure, all stumps of public trees should be removed below the surface of the ground by grinding or other methods and refilled with soil or woodchips mounded two (2) to four (4) inches above the surface of the ground.

(7) Tree planting and replacement. All trees planted by the city or their contracting agent will meet standards set for planting stock by the American Association of

Nurserymen's American Standard for Nursery Stock. Planting or replanting of trees at a construction site shall be included in the cost of construction.

(a) Unless the city forester or director of parks and recreation determine otherwise, trees shall be replaced by the caliper inch, such that for every inch of diameter (DBH) removed, an equal number of caliper inches shall be replanted.

(b) Any tree or shrub that dies will be replaced by the person or agency that originally planted the tree unless mortality was caused by unintentional acts of human interference.

(c) Whenever a person or city agency obtains written permission to remove a tree or shrub from any city-owned land for the purpose of construction or for any other reason, such person or agency shall subsequently replace the tree or shrub within one (1) year of removal, in a location to be determined by the city forester or director of parks and recreation, somewhere in the city at the expense of the person or agency that obtained such permission.

(d) Whenever it is necessary to remove a tree or shrub from a public right-of-way in connection with the paving of a sidewalk or widening of a street, the city or responsible agency shall replant such tree or replace it. If conditions prevent planting in the right-of-way, this requirement may be satisfied by planting on the adjoining property if the property owner grants a landscape easement to the city.

(e) All trees planted on public property will be properly maintained with mulch and water. Fertilizing requirements will vary and are at the discretion of the city forester or director of parks and recreation.

(f) When planting ball and burlap trees: all twine and other ties must be removed; burlap should be pushed down the root ball and laid at the bottom of the planting hole; the planting hole should be as deep as the root ball and two (2) to three (3) times as wide; no fertilizer should be used at the time of planting; soil amendments should not be used unless absolutely necessary; mulch should be used to cover the circumference of the planting hole with a depth of two (2) to four (4) inches, leaving a clear space of an inch or more around the trunk of the tree; trees should be watered generously.

(g) Replacement trees will meet the standards of size, species, placement, and planting methods approved by the city forester or director of parks and recreation. Trees will be inspected prior to planting by the city forester, director of parks and recreation, or their designated representative, to ensure tree health and quality. Whenever any person is required to replace a tree pursuant to this chapter, all the aforementioned conditions will apply.

(8) Damage prohibited.

(a) Unless specifically authorized in writing by the city forester or director of parks and recreation, no person or city agency shall intentionally damage, cut, carve, transplant or remove any tree or shrub on city owned property; attach any rope, wire, nails, advertising posters or other contrivance to any tree or shrub; allow any gas, liquid or solid substance which is harmful to any tree or shrub to come in contact with it; or set fire or permit any fire to burn when such fire or heat thereof will injure any portion of any tree or shrub on city property.

(b) No person or agency shall deposit, place, store or maintain upon any public place of the city any stone, brick, sand, concrete or impermeable material which may impede the free passage of water, fertilizer and air to the roots of trees or shrubs growing thereon.

(c) The city forester or director of parks and recreation should be contacted before excavating tunnels, ditches, or trenches or the laying of pavement within the tree protection zone.

(9) Official tree for the City of Tullahoma. It is hereby decreed that the Holly Tree (*Ilex opaca*) shall be the Official Tree for the City of Tullahoma. This selection is made because of its history, superior form and shape, and its strength of structure and life span in our geographic area. While it is not recommended that this species be selected over other species in planting on public or private property, it is recommended that the tree be recognized as a symbol of the Tullahoma community.

(10) Trees of historical or special significance and memorial trees. A tree can constitute a unique asset to the community and should be given special consideration and care. The board of mayor and aldermen can designate a unique specimen as a Tullahoma Heritage Tree. The Tullahoma Tree Board may designate memorial trees. A tree so designated will be given special protection, maintenance and recognition as the situation warrants.

(11) Appeal and penalties. Any person dissatisfied with the decision, rules, and regulations contained within or resulting from this chapter shall have the right of appeal to the tree board. The chairperson of the tree board may hold a special call meeting if required upon proper notice. An appeal of any decision of the tree board may be made to the board of mayor and aldermen and must be in writing. The chairperson of the tree board must be given an opportunity to present to the board of mayor and aldermen any facts or justification to help the board of mayor and aldermen make a final decision. Any person violating this chapter shall be deemed guilty of a misdemeanor and according to the laws of the State of Tennessee, shall be fined accordingly. Each subsequent day that any violation continues unabated, shall constitute a separate offense. (1988 Code, § 12-301, as replaced by Ord. #1237, Jan. 2001)

20-502. Miscellaneous provisions.

(1) Commercial and industrial developments within the city should reflect the city's commitment to trees. This includes the preservation of existing trees whenever possible.

(a) Adequate protection should be given to trees scheduled to be preserved on a construction site. Appropriate measures, including the erection of protective barriers at the outer edge of the tree protection zone are to be installed around public and private trees identified to be preserved.

(b) Trees scheduled for planting should be quality specimens whose physical site requirements are compatible to the intended development project. These trees shall be maintained with mulch and watering and any trees that die shall be replanted.

(c) Parking lots shall have green spaces that contain trees when applicable according to the standards set by the Tullahoma Zoning Ordinance (Art. V. Sec. 7.4.d.3,4,5).

(d) Landscaped buffers enhance the appearance of a community and protect the character of the City of Tullahoma. Buffer zones must conform to the requirements listed in the Tullahoma Zoning Ordinance.

(2) Site plan review. On commercial and industrial developments that are required to have site plan approval by the development committee, the quantity of landscaping on a site must meet a minimum criteria as set forth in the site development regulations and Tullahoma Landscaping Standards contained in the zoning ordinances.

(3) Residential subdivision development. In residential subdivisions, the developer is strongly encouraged to protect all trees that can be preserved and to plant one tree for every four trees that are removed. Replacement trees should be evenly distributed throughout the subdivision. Buffering requirements as listed in the Tullahoma Zoning Ordinance must also be followed.

(4) Erosion control. As part of the existing site plan review process, any site exhibiting strong erosion potential, such as steep grades, poor soil conditions, major drainage ways, shall be required to submit detailed erosion control measures including provisions for the preservation of existing groundcover and trees where practical. The site plan will be reviewed by the planning and codes department as part of the development committee review process. (1988 Code, § 12-302, as replaced by Ord. #1237, Jan. 2001)